

REMARKS

Claims 25-28, 30, 33, 37 and 46-50 are pending in the present application. In the present Office Action, all of the pending claims stand finally rejected under 35 U.S.C. § 103(a) as unpatentable over Miller et al. (2002/0022963) in view of Levine et al. (5,745,681). Applicants submit that all claims are allowable and the present rejections are improper.

Response to Arguments

Beginning on page 2 of the final Office Action, the Examiner indicates three (3) specific arguments put forth by the Applicants and addresses each one individually. Applicants respectfully disagree with the Examiner's positions and for reasons set forth below, maintain the position that the present rejection of pending claims is improper.

Argument # 2

Applicants previously asserted, and maintain, that Miller fails to teach or suggest, among other limitations, "analyzing the web page to detect a context for the web page."¹ In response thereto, in Paragraph (C) on page 3, the Examiner re-iterates reliance on Page 20, ¶¶ 290-301 of Miller. Applicants must maintain the position that Miller fails to teach or suggest this limitation because the Examiner-cited passage of the 12 paragraphs not only fails to teach or suggest the above-noted claim limitation, but is completely and absolutely silent regarding (or even suggesting) "analyzing the web

¹ Examiner also asserts that Applicants indicated Miller as failing to teach or suggest "selecting at least one file ... detected context," which is incorrect as Applicants merely agreed with the Examiner's statement on page 5, lines 1-2 of the Office Action of October 19, 2006 (see page 3, lines 15-17 of the Amendment filed January 19, 2007).

page,” much less performing an analysis “to detect a context for the web page.” (emphasis added).

Rather, the Examiner-cited passage describes a well known innovative technique to reduce time, effort and subsequent costs for developing a customized web page. The passage indicates that web pages may include HTML formatting with HTTP or other protocols. Paragraphs 291 - 296 list problems with HTML software and ¶¶ 297-301 describe the benefits of the client-side Java language. Paragraph 301 indicates that using Java, “developers can create robust User Interface (UI) components. Custom ‘widgets’ (e.g. real-time stock tickers, animated icons, etc.) can be created, and clientside performance is improved.”

The shortcomings of HTML and the clientside ability of Java code does not teach “analyzing the web page to detect a context for the web page.” Similarly, the shortcomings of HTML and the clientside ability of Java code does not suggest “analyzing the web page to detect a context for the web page.” Therefore, the present rejection is improper and should be withdrawn.

Argument #1

In ¶ B on page 3 of the final Office Action, the Examiner indicates Applicants’ first argument as unpersuasive in view of Miller, page 3, ¶ 0051 and page 14, ¶ 0206. Upon further review of these Examiner-cited paragraphs, Applicants continue to maintain the present rejections is improper because these passages, as well as Miller in general, fails to teach or suggest “receiving the web page.”

As previously asserted in the response filed January 19, 2007, Miller does not teach or suggest “receiving the web page” because Miller relates to transmission of

“components” that can then be used for assembling a graphical user interface. Paragraph 0051 describes “a system may transmit information relevant to a user’s item of interest to the user in a form suitable for display as part of [a] graphical user interface.” This system transmits information that is usable as part of a graphical user interface. This information is **not** a web page, it is information that can be used in the GUI, such as a product name, picture, hyperlink, etc. Paragraph 0051 is very clear and concise on this point.

The Examiner additionally cites to ¶ 0206, which fails to teach or suggest “receiving a web page.” Rather, close inspection of ¶ 0206 shows that this paragraph describes a form so that a party may enter product information for a promotion. Paragraph 0206 describes the method of Fig. 16 so that a user may manually enter information on a web site for posting promotional information relating to a particular product. Hosting a form on a local data site does **not** teach “receiving a web page.” Similarly, hosting a form on a local data site so a person can enter information therein does **not** suggest “receiving a web page.” Therefore, the present rejection is improper and should be withdrawn.

Argument #3

The Examiner summarizes Applicants previous response as “Neither Miller nor Levin, either alone or in combination, discloses or suggests the above features,” and is designated as Argument No. 3. In Paragraph D, beginning on page 3, the Examiner indicates the obviousness rejection “is determined on the basis of the evidence as a whole and the relative persuasiveness of the arguments.” While Applicants do not disagree that such a position **could be used to** support a proper obviousness rejection, that is not the case at hand.

As described in detail in the January 19, 2007 response and above, Miller suffers from extensive and fatal deficiencies in supporting the asserted positions of this rejection. On lines 2-6, the Examiner indicates as having “satisfied the burden of presenting a *prima facie* case of obviousness,” to which Applicants must respectfully disagree. Rather, the Examiner recites general passages of Miller that include: (1) the shortcomings of HTML and the client-side ability of Java code; (2) transmitting information that is usable as part of a graphical user interface; and (3) hosting a form on a local datastore. Applicants maintain that these passages do not teach or suggest the claimed limitations and hence provide the basis and foundation for the shortcomings of the assertion of Miller as teaching or suggesting the claimed invention.

Beginning on line 7, page 4, the Examiner indicates Applicants have failed to indicate “any specific distinction(s) between the features disclosed in the references and the features that are presently claimed,” further referencing 37 C.F.R. §1.111(b). Rather, 37 C.F.R. §1.111(b) states that: “The reply must present arguments pointing out the specific distinctions believed to render the claims, ..., patentable over any applied references.” On page 4, lines 12-14, the Examiner further indicates that Applicants have failed to indicate “how the language of the claims patentably distinguish[es] them[selves] from the applied references” and that simple conclusions cannot take the place of evidence.

In the Amendment filed January 19, 2007, Applicants indicate at numerous locations the distinctions between the recited claims and the prior art and that this distinction would thus render the claims patentable over the prior art combination. For example, on page 2, lines 20-22 of the Amendment, Applicants indicate that Miller

generates the portal page from portal page components or any other web page. In the following two sentences concluding on page 3, line 5, Applicants further indicate the teachings of Miller and the distinguishing patentable limitation **not** taught nor suggested by the Examiner-cited passages of Miller. This argument points out a specific distinction that renders the claims patentable over Miller, and hence patentable over Miller in combination with Levin. This argument also points out how the language of the claim is patentably distinguished from Miller because Miller does not teach or suggest the recited limitation.

For the sake of brevity, Applicants repeated this analysis and presented additional arguments throughout the Amendment filed January 19, 2007.

On lines 3-4 of Page 5, the Examiner expresses concern that the Applicant has ignored settled law regarding the nature of the support for an obviousness rejection. Applicants can assure the Examiner that no such event has occurred, by the Applicants. By contrast, Applicants have previously presented and continue to maintain that one of the basic tenants of a rejection under 35 U.S.C. §103(a) has not been met, specifically that the references alone or in combination, fail to teach or suggest **all** of the claimed limitations.

It appears that based on the third sub-element on page 5, line 13 of the final Office Action, that the Examiner indicates that the prior art of Miller and/or Levin, while not expressly teaching the limitations, at least **suggests** the recited limitations. For reasons stated above, Applicants continue to respectfully disagree.

It is further noted that the Examiner does not provide any written support of Miller's (or Levin's) suggestion, but rather merely recites what the prior art **expressly**

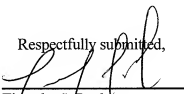
states. To support the rejections, the Examiner merely recites page and paragraph numbers, which are the actual text and hence the actual disclosure of the prior art. It is improper for the Examiner to rely on the suggestion of the prior art but only recite the teaching. Hence, the rejection is additionally improper.

In view of the above remarks, it is respectfully submitted that all of the pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to our Deposit Account No. 50-4026.

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THIS CORRESPONDENCE IS BEING
SUBMITTED ELECTRONICALLY
THROUGH THE PATENT AND
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Respectfully submitted,


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